G. R. S. IX—5]

Previous references

1923.
Courts)

File No. 202-23
Serial Nos. 1-2

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two.

Part B for June 4 & 24

SUBJECT

Memorial of condemned prisoner Vadasahya of the Bangalore Central Jail, praying for release

---

To P. 6829 & 12-6-24

To the Regl. High Court

Forwarded copy of order passed by His Highness the Maharaja commuting the sentence of death passed on the prisoner into one of transportation for life.

Ramaswamy Iyengar
21/7/24

G. R. S. 11] 1923-4

3587

GENERAL AND REVENUE SECRETARIAT.

(C)

NOTES.

File No. 202.

FILE HEADING.

Memorial of Vadasaliga accused and sentenced to death in Kdr: Sessions case no 4 of 23-4 on the file of the Sessions Judge Bangalore Dr and appellant in Crl: appeal no 55 of 23-4/Crl Reft case no 3 of 23-4 on the file of the Chief Court

From

The Registrar Chief Court

No. 567/Crl: Dated 14.2.24 Received 19.2.24

Diary No. 3586	Enclos. Record Spare Copies.	Serial No. 1

BRIEF ABSTRACT OF LETTER.

Forwards the memorial of Vadasaliga accused and sentenced to death in Kdr Sessions Case no 4 of 23-4 on the file of the Sessions Judge Bangalore Dr and appellant in Crl Appeal no 55 of 23-4 & Crl Reft case no 3 of 23-4 on the file of the Chief Court.

NOTES AND ORDERS.

Submitted

20/2/24

General and Revenue Secretariat.

No. File No. 902 of 1913.

Serial No.

The memorialist has been sentenced to death by the Sessions Judge, Bangalore, for the murder of one Narasakka whose jewels and other properties he is alleged to have purloined after the murder. The sentence of death has been confirmed by the Chief Court. He contends now that the murder was 4 years before his arrest, and the alleged identification by persons who are practically strangers to him is open to question. He denies that the jewels &c were found with him, and requests for release on the ground of his innocence.

From the evidence on record there is not much room for doubt as to his being the murderer. On the very day after the murder the memorialist has been suspected as the murderer, and there is thus no room for suspicion that a case has been concocted against him. In the course of the inquest itself it was found that a man answering to the description of the accused was in the village, took

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat. | No File No. 201 of 1923

Serial No.

meals in the house of the deceased, slept there for the night, was found loitering near the place next day, entered the deceased's house in the afternoon and left the place sometime later, hurriedly with something concealed under the armpit. Not only the people of the village, but two people of the accused's own village who knew him have deposed at the inquest and have identified him later. Search was made for the accused soon after the murder, but the accused had absconded and could not be found. He was living in different places under different assumed names, and that accounts for his having evaded the clutches of the law so long.

When he was found, a pot containing some jewels was found buried in the wall of the hut he was living in. The jewels found therein are identified as those lost, by the people who were living with the deceased, and her relations. What is more important is that the articles lost had been reported, just after the

NOTE—Contn. sheet.

G. R. S. III-2]

3586 P 4 4

General and Revenue Secretariat. | No File No. 702 of 1923

Serial No.

murder, and those found correspond with some of those reported as lost. This circumstance may not have a great probative value, but there are several of the stolen articles produced by other people who depose that they purchased the same from the accused. This was on the information given by the concubine of the ~~do~~ accused. There is thus not much doubt left to fix the responsibility of murder & theft on the accused, who is moreover a bad character of repute, wanted by the British Police also for other offences committed in British territory.

Considering the fact that the accused abused the hospitality of the deceased, and killed her for her property; when the others in the house were away on work, there are no grounds for showing any mercy to him. The Courts have considered the point and thought him undeserving of any lenient treatment. The memorial may be rejected.

who was an old woman suffering from some infirmities

Ltd Secy

cag 22/4

NOTE—Contn. sheet.

I have perused the inquest proceedings & the records of the

G. R. S. III-2]

General and Revenue Secretariat. | No. File No. 202 of 1923

Serial No.

The case does not admit of any doubt. The presence of the accused on the scene of occurrence immediately after the 11th to 12th Feb 1919 was established by the fact that he was seen by [illegible] who had been in his employ [illegible] the deceased to the scene of occurrence. This evidence could not be shaken by the fact of the accused having absented himself from his village on the night of the occurrence. The evidence of the accused when he returned to his home, that he returned after finding the dead body of the deceased when he went to the house, was also [illegible] and the [illegible] was found in the house with his head cut off.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

No File No. 202 of 1923

Serial No.

The jewels in the box were found missing. The motive for the crime is clear. When murder & robbery form part of the same transaction, the possession of stolen property will be presumptive evidence both of robbery & also of murder.

In the present case, the theft of jewels is, I think sufficiently proved & the boxes were found empty & a list of jewels lost was given to the police at the earliest opportunity.

The accused is a boy of 18 & Counsel asks to show that he is a boy.

NOTE—Contn. sheet.

G. R. S. III-2.

General and Revenue Secretariat.

do. File No. 102 of 1923

Serial No.

He is shown to be in possession of gold jewels of some value & has disposed of them to several pots. These purchasers have come forward to depose to these facts. Some jewels were found buried in his hut.

The accd has not even attempted to explain his possession of these jewels. It is not at all probable that the Police would fabricate this & suborn witnesses. When in the absence of any explanation, the presumption of guilt is not rebutted.

NOTE—Contn. sheet.

G. R. S. III-2.

3586/P

8/6

General and Revenue Secretariat.

File No. 202 of 1923

Serial No.

Both the Courts have therefore come to a correct Conclusion. There are absolutely no ~~extra~~ Countervailing circumstances to warrant the award of Capital sentence to one of these accused. No clemency ought to be shown & the petition may be rejected

9309/575

1st member -

24/4

There is no doubt about his guilt - this accused - he has already confessed his responsibility - this old woman and killed her for his sake & her property. He is a bad character & does not deserve any consideration. The mercy may be rejected -

Please mind - this document may be disposed by tomorrow without fail

NOTE—Contn. sheet.

(16)

35-26
P.

99

G. R. S. III-2,

General and Revenue Secretariat.

No. File No. 202 of 1923

Serial No.

Dear Sir

The Madras Penal Code provides "Whoever commits murder shall be punished with death or imprisonment for life and shall also be liable to fine" In this case the prisoner was convicted on a charge of murder & sentenced to imprisonment for only a month. The deceased is 4 years of age & the accused is the father. The question of proof & culpability of these need the mature consideration of the Govt. The date of the murder of the deceased woman are Circumstantial Evidence In such cases I would prefer not to hang by - but give him imprisonment for life

I have no objection to this
21/5/24

9810
20/5/24

NOTE—Contn. sheet.

death sentence is the extreme penalty of the law - & that penalty to be borne in mind in any case however clear to the Court that the [illegible] [illegible]

G. R. S. III-2]

10 10

General and Revenue Secretariat.

No. File No. 202 of 1913

Serial No.	
	Ch. by will Comp.) Circulate
	circulate a/s
	I agree with the Dewan
	a/s

NOTE—Contn. sheet.

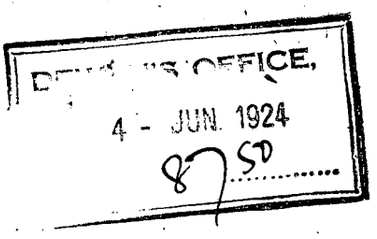
(For Disposal by Circulation.)

No. C. 458

19.....

GENERAL AND REVENUE SECRETARIAT.

Council Matter.



SUBJECT.

Memorial of the condemned prisoner, Vadasaliga, of the Bangalore Central Jail, for release.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

22nd May 19 24.

Chief Secretary to Government.

Extraordinary Member of Council.

9848/24/5 **First Member of Council.** Opinion already recorded 25/5

538/26.5 **Second Member of Council.** 26/5 Subject for final note

Third Member of Council. 9908/26/5 (1st member)

Final Note signed by the Members placed in the file

Submitted. 4/6

Apl 4/6 Decra)

Submitted to His Highness.

I submit herewith a Final Note by the.....FIRST.....

Member of Council on the subject of.....memorial of condemned prisoner Vadasaliga of the Bangalore Central Jail for release.....

for His Highness' gracious approval.

Dewan.

5 JUN 1924

Final Note by the First Member of Council

Subject:—

Memorial of condemned prisoner Vadasaliga of the Bangalore Central Jail for release.

The memorialist has been sentenced to death by the Sessions Judge, Bangalore Division for the murder of one Chikka Narasakka, and the sentence has been confirmed by the Chief Court. As usual in such cases the memorialist pleads innocence and prays for release.

The case against the memorialist is that on 11th February 1919, the day previous to the occurrence, he went to the house of the decease in the evening and asked one Ganga and the deceased if they would sell the Kakké trees belonging to them. His request was not complied with, but he was allowed to take his food in the house in the night and sleep in the verandah. Next day he took meals in another house and was loitering near a tree till 3 p.m., when he is stated to have entered the house of the deceased and come out of it an hour later carrying something under his armpit. On the return of the other inmates in the evening, they found the deceased lying dead with her throat cut and the contents of two boxes kept in the store room disturbed. It is in evidence that the accused went into and came out of the deceased's house sometime before the commission of the murder was discovered, that he was not subsequently seen in the village, that after his arrest some of the stolen articles were either found in his hut or traced to him and that he had assumed false names after he committed the murder. The Chief Court have held that the case against the accused is a clear one and that there are no extenuating circumstances of any kind.

When the records of the case were submitted to me, I recorded the following minute:

Page 2 of Office Notes

There is no doubt about the guilt of the accused. He has

abused the hospitality of the old woman and killed her for the sake of her property. He is a bad character and does not deserve any consideration. The memorial may be rejected".

On a perusal of the above the Dewan recorded the following opinion:-

Page 9 of office Notes

" The motive is said to be robbery. Was it necessary to kill in this case, when the robbery was committed in a hut and from the person of only a woman. The detection is 4 years after the occurrence. The recovery of property and identification of the accused and his movements of the date of the murder of the deceased woman are circumstantial evidence.

In such cases I would prefer not to hang but give transportation for life. Death sentence is the extreme penalty of the law and it is not necessary to award it in every case however clear as the Chief Court puts it"

I have no objection to the commutation of the sentence to one of transportation for life as suggested, and the Second Member has also agreed with the Dewan.

Page 10 of do

Gracious sanction of His [illegible] ted to commute the death sentence to one of transportation for life.

Bangalore,
2nd June 1924.

MEMBER OF COUNCIL.

15 C458

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Commutation of the sentence of death passed on Vadasaliga into one of transportation for life.

927

Order.

~~KRW~~

6/6/24

Secy 6.6.

7 JUN 1924

7/6

General and Revenue Secretariat.

1b C 458

Memorial of Condemned Prisoner, Vadaraliga of the Bangalore Central jail for release.

31. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Members of Council for perusal after the issue of orders.

33. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after to the Chief Secretary for circulation to the Members.

34. In all other cases, the files will first be circulated to the Members of Council at headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to the Members of Council for perusal of

*

His Highness' orders $\frac{\text{before}}{\text{after}}$ issue of orders. (*Vide* Rules 31, 33 and 34 of the Subsidiary Rules for the conduct of business of Council in the Manual of Council Rules and Procedure.)

Chief Secretary to Govt.

Through the Secretary to Government.

...L. and L.... Department. 8/7.6.

FIRST MEMBER OF COUNCIL.

SECOND MEMBER OF COUNCIL.

THIRD MEMBER OF COUNCIL.

NOTE—Contn. sheet.

Mono WD 1190—GPB—500 9-1-3.

G. R S. III-2]

General and Revenue Secretariat.

Cs File No. 202 of 1923.4

3s.8d/P 67

Serial No.

DEPT. REGD. 19 - JUN. 1924 8934

Please put up the usual draft order, Commuting the Sentence.

cag 7.6.24

Draft put up with a fair copy for forwarding Dewan's Department.

cag 7.6.24 Dewan)

cag 7.6

7/6

8d 10/6

Done cag 11/6.

2 To the Registrar, Chief Court

No. P. 6809 dt 12.6.24

For copy of order Commuting the Sentence of death passed on Vadivelliga into one of Transportation for life for information of the Judge & for Communication to the prisoner.

B/ 20/6

NOTE—Contn. sheet.

20444

No. 567 of 18.2.24
Cr
Enc:- Memorial, Copies of judgment.
records in Kolar Sessions Case No: 4 of 1923-24 (3 files) and records in Crl Appl No 55 of 23-24 / Crl Ref'd C. No: 3 of 23-24 (A and B files) } Dated 14th February 1924
* Sent seperately

3586

Bangalore,

8 FEB. 1924
SECTION

From

THE REGISTRAR OF THE

CHIEF COURT OF MYSORE.

To

THE SECRETARY TO GOVERNMENT,

~~GENERAL AND REVENUE DEPARTMENTS~~

Local and Legislative departments,
Bangalore.

Sir,

I am directed to forward a memorial addressed to His Highness the Maharaja by Vadasiliga .....accused in Kolar Sessions Case No. 4 of 1923-24 on the file of the Sessions Judge of Bangalore Division and appellant in Criminal Appeal No. 55 of 1923-24 / Cr. Referred Case.No.3 of 23-24. on the file of this Court.

The entire record of the case is herewith forwarded.

I have the honor to be,

Sir,

Your most obedient servant,

16/2/24
Registrar.

GPB—1,000—16-8-12

G.K.

To,

His Highness the Maharaja of
Mysore.

Memorial Submitted on the Confirmation of the Sentence of death passed on the accused in Criminal appeal No 55 of 23-24, on the file of the Chief Court of Mysore.

Complainant.	Accused.
Government.	Vadasaliga, Condemned prisoner No 260, undergoing imprisonment in the Central Jail, Bangalore.

Appellant Submits as follows:

This offence was committed four years ago. The Murder was committed at 12 Noon: Though I could be identified, they have failed to arrest me immediately. After the Commission of the offence, I was at

Hindupur, Maddagiri, and other places. Prior to my arrest, I was at Cherampalli of Siddlaghatta taluk for three years. Inspite of this, it took four years to arrest me. The murder was committed at Balareddipalya of Goribidnur Taluk. The murdered woman's name is Chikkanarasakka. Her house is in the centre of the village. There is a peepul tree platform in front of the door of her house. People and cattle take rest on this platform during afternoons. There was an adopted son in her house. When this is the case, your honour alone should consider how it would be possible for me to enter the house in the afternoon, murder Chikkanarasakka, commit theft of property worth thousands of rupees, and immediately come out, and why I was not arrested then, although they knew my name and could identify me.

Besides the details of evidence adduced against me —

1). Some of the Stolen articles were found with others.

2). How I was identified.

3). The evidence given by my concubine.

1. In respect of the properties, (I have to State that) no article was found with me. These articles are jewels generally worn by the villagers. There was no other woman in her house to identify them, except Chi-Kkanarasakka. The persons who identified are chiefly the males. your honour will have to consider how far their evidence is to be believed.

2. About identification —

The people of that village knew my name through rumour. No one was acquainted with me. Such being the case, how far has it to be

believed that they identified me after four years? Besides, th Some of the persons that identified me were very old.

3. Evidence of the concubine — She did not state anything in the Police (station) against me. After the arrival of the Patel of Lepakshi village, she has stated some things against me, as she pleased, at his instigation. She is a Kuruba woman, and was good-looking. The Patel had kept her as concubine. On account of this, there was enmity between us both. He took her away to a separate place. Since then, the Patel was trying his best to do me harm. The statement of this concubine, ought, under no circumstances, to be believed. If I had committed murder, I would not have revealed it to my concubine. She is of a different caste. She is not of my caste. While this is the case, she has deposed that I had informed her of the details relating

to the offence. This cannot at all be believed.

For the aforesaid reasons, the evidence adduced against me is not credit worthy. For this reason, I pray that your Honour may be pleased to order the release of me, an innocent man.

Left thumb mark of Vadasaliga, condemned prisoner no. 260.

Marked before the chief Jailor.

Countersigned.
(Sd) C. Machia.
Superintendent, Central Jail.

[illegible]

[illegible] ౨. ౧. [illegible]

[illegible] 55/23.25 [illegible]

[illegible]

[illegible]

[illegible]	[illegible]
[illegible]	[illegible] 260 [illegible]

[illegible]

[illegible]

[illegible] 12 [illegible]

[illegible]

500 [illegible]

[illegible]

[illegible] 6 [illegible]

[illegible]

ಇದೂ ಅಲ್ಲದೆ ಸಲಿಗೆಯ ಅಪಾಯಗಳನ್ನು ಕುರಿತು ಹೇಳಿರುವುದು

1) ಸಲಿಗೆಯಿಂದ ಅಗೌರವ ಇಳಿಕೆಯಾಗುವುದು.

2) ಕೆಲಸ ಹಾಳಾಗುವುದು

3) ಸಲಿಗೆಯಿಂದ ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಬೇಕಾಗಿ ಬರುವುದು.

1. ಅಗೌರವ:— ಸಲಿಗೆಯಿಂದ ಅಗೌರವ ಉಂಟಾಗುವುದು. ಹೊಸಬರಿಗೆ ಸಲಿಗೆ ಕೊಟ್ಟಾಗ ಅವರು ಸಲಿಗೆಯನ್ನು ದುರುಪಯೋಗ ಮಾಡಿಕೊಳ್ಳುವರು. ಇಲ್ಲಿಯವರೆಗೆ ಗೌರವದಿಂದ ಕಾಣುತ್ತಿದ್ದವರು ಸಲಿಗೆ ಬೆಳೆದಂತೆ ಅಗೌರವ ತೋರಿಸಲು ಪ್ರಾರಂಭಿಸುವರು. ಇದರಿಂದ ಸಲಿಗೆ ಕೊಟ್ಟವರಿಗೆ ಬೇಸರವಾಗುವುದು. ಆದ್ದರಿಂದ ಸಲಿಗೆ ಕೊಡುವ ಮುಂಚೆ ಎಚ್ಚರಿಕೆಯಿಂದ ಇರಬೇಕು.

2) ಕಾರ್ಯಕ್ಕೆ ತೊಂದರೆ:—

ಅಧಿಕಾರಿಯು ಸಲಿಗೆಯಿಂದ ಇರುವುದರಿಂದ ಕೆಲಸಗಾರರು ತಮ್ಮ ಕೆಲಸವನ್ನು ಸರಿಯಾಗಿ ಮಾಡದೆ ಹೋಗಬಹುದು. ಇದರಿಂದ ಕೆಲಸ ಹಾಳಾಗುವುದು. ಅಧಿಕಾರಿಯು ಸಲಿಗೆಯಿಂದ ಇರುವುದರಿಂದ ಕೆಲಸಗಾರರು ಅವರ ಮಾತನ್ನು ಕೇಳದೆ ಹೋಗಬಹುದು. ಆಗ ಕೆಲಸ ಹಾಳಾಗುವುದು.

3) ಅಪಾಯಗಳನ್ನು ಎದುರಿಸಬೇಕಾಗಿ ಬರುವುದು:—

ಸಲಿಗೆಯಿಂದ ಅಧಿಕಾರಿಯು ಕೆಲಸಗಾರರಿಗೆ ಹೆಚ್ಚಿನ ಸವಲತ್ತುಗಳನ್ನು ಕೊಡಬೇಕಾಗಿ ಬರುವುದು. ಅಂತಹ ಸಮಯದಲ್ಲಿ ಕೆಲಸಗಾರರು ಅಧಿಕಾರಿಯ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಬಹುದು. ಇಂಥ ಅಪಾಯಗಳು. ಆದ್ದರಿಂದ. ಇತ್ತೀಚೆಗೆ ಕೆಲಸಗಾರರು ಮುಷ್ಕರ ಹೂಡಿದಾಗ ಅಧಿಕಾರಿಯ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಿದ್ದರು. ಆದ್ದರಿಂದ ಸಲಿಗೆಯಿಂದ ಇರುವುದು ಒಳ್ಳೆಯದಲ್ಲ. ಅಧಿಕಾರಿಯು ಕೆಲಸಗಾರರಿಂದ ಸ್ವಲ್ಪ ದೂರವಿದ್ದರೆ ಒಳ್ಳೆಯದು. ಆಗ ಅವರಿಗೆ ಅಧಿಕಾರಿಯ ಮೇಲೆ ಭಯ ಭಕ್ತಿ ಇರುವುದು. ಅಧಿಕಾರಿಯು ಕೆಲಸಗಾರರಿಂದ ಸ್ವಲ್ಪ ದೂರವಿದ್ದರೆ ಅವರು ಅಧಿಕಾರಿಯ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಲು ಹೆದರುವರು. ಅಧಿಕಾರಿಯು ಸಲಿಗೆಯಿಂದ ಇರುವುದರಿಂದ ಕೆಲಸಗಾರರು ಅಧಿಕಾರಿಯ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಲು ಹೆದರುವರು. ಅಧಿಕಾರಿಯು ಸಲಿಗೆಯಿಂದ ಇರುವುದರಿಂದ ಕೆಲಸಗಾರರು ಅಧಿಕಾರಿಯ ಮೇಲೆ ಹಲ್ಲೆ ಮಾಡಲು ಹೆದರುವರು.

CHIEF COURT OF MYSORE
FEB 14 1924

Left Thumb mark
Consumed
Left No: 2to
Kadasalige

Marked before me
Mark Company
Chief Jailor
B

Countersigned
Macleod
Superintendent
B. Central Jail
57

IN THE CHIEF COURT OF MYSORE AT BANGALORE. 27

Wednesday, the 6th day of February 1924.

P R E S E N T.

RAJADHARMAPRAVINA

DEWAN BAHADUR K.S.CHANDRASEKHARA AIYAR, CHIEF JUDGE.

A N D

MR. JUSTICE R. B. P L U M E R.

Petition of Criminal Appeal No.55 of 1923-24/ (Criminal Referred Case No.3 of 1923-24) - against the conviction and sentence passed by the Sessions Judge of the Bangalore Division under Sections 302 and 392 of the Indian Penal Code in Kolar Sessions Case No. 4 of 1923-24.

Appellant. Vadasiliga. (Accused).

J U D G M E N T.

The case against the appellant is a very clear one. He was seen by prosecution 27th witness Narasakka, the next door neighbour of the murdered woman going into the deceased's house at about 3 P.M., on the day of the occurrence; and he was seen both by that witness and by prosecution 28th witness coming out of the house about an hour later concealing something under his arm-pit. The testimony of these witnesses has in no way been impeached. The appellant absconded and was not re-arrested till more than three years afterwards, when he was found living in another village under an assumed name. He has however been very satisfactorily identified as the man that was found going into and coming out of the deceased woman's house; and the articles stolen from the house were traced to the possession of the appellant or

of

of persons who had obtained them from him.

There can be no doubt whatever that the appellant was the man who committed the murder and removed the articles. The conviction for murder as well as for robbery is therefore right and must be affirmed, as also the sentence of death awarded in respect of the former offence, there being no extenuating circumstances of any kind. The appeal is dismissed.

Sdf. K. S. Chandrasekhara Aiyar
CHIEF JUDGE.

Sdf. R. B. Plumer.
JUDGE.

HCC.

Copy
Registrar

5

29

IN THE COURT OF SESSION, BANGALORE DIVISION.

Dated, Camp Kolar, 24th November 1923.

Present:- K. Ramaswamy Iyengar, Esq., B.A., B.L.,

Sessions Judge.

Kolar Sessions Case No. 4 of 1923-24

Complainant. Accused.

Government Vs. Vodasiliga.

J U D G M E N T.

The accused has been committed for trial for the offences of robbery and murder. He is a native of Lepakshi, which is a village in Hindupur Taluk, and he is alleged to have murdered a woman, by name Chikka Narasakka, who was a resident of Balareddypalli in Goribidnur Taluk on 12-2-1919 and to have walked away with some of the jewels and other articles which were in her house. He escaped in 1917 from the lock-up at Hindupur where he was kept as an under-trial prisoner on a charge of theft and the offences which form the subject matter of this trial were committed two years later. It is stated that he made himself scarce after committing them and that in the latter part of November 1922 information was received that he was living in a village known as Nallacheruvanapalli in Sidlaghatta Taluk, having assumed the name of Kotha Venkatiga. He was then taken to Hindupur to be tried for the offences of theft and escape from lawful custody. And after the necessary Extradition proceedings were taken, he was produced before the lower court and the inquiry was held.

2. The

saw the accused entering the deceased's house and she observed that an hour later he came out carrying something under his arm-pit. Towards evening when Dod Gangamma, Ganga and Narasiga returned to the house they found that the deceased was lying dead with her throat cut and that the contents of two boxes which had been kept in the store-room had been disturbed

4. The news of the occurrence was then conveyed to the patel and after receiving his report, the Inspector of Goribidnur (P.W.4) arrived at the village at about 1 P.M. on the following day. In the course of the inquest, he examined Ganga, Gangamma, Narasakka and Narasi among others and came to know that a man, who had described himself as a native of Lepakshi, had gone to their houses. One Vedagai Narasiga said that the Lepakshi man had gone to him and inquired if he would fell kakke trees for him and from the statement of Abdulla Khan who is a resident of Lepakshi it became evident that the man the witness referred to was the accused, Vodasili as Abdulla Khan had seen the latter outside the village of Balareddypalli on the 11th. These circumstances which were elicited at the inquest indicated that the accused should have been the perpetrator of the crime and the Inspector went in search of him to Lepakshi and other places but he was not to be found.

5. A descriptive roll of the accused and a list of the stolen articles were published in the Mysore Police Gazette (Exs: P3 & P3a) dated 10-4-1919. And as noted above it was only in the latter part of November 1922 that it was discovered that the accused was living at Hellacheruvanapalli in Sidlaghatta Taluk under the assumed name of Kotha Venkatiga. He

year ago for Rs.75/- from the a_____ Accused's concubine has deposed that before she and the accused began to live at Mallacheruvanapalli they lived at Sankapur in Haddagiri Taluk. P.W.10 Narasappa produced gold sarigey (Art:14) saying that his father had purchased it from the accused about 2½ years ago. P.W.13 Venkamma is a resident of accused's village Lepakshi and she produced saddi (art:15) and said that about a year and 3 months ago she purchased it through one Basappa of Gadali, when she had gone there to see her uncle and that the accused was present at the sale.

7. All the abovesaid articles were identified by Ganga and Gangamma and Papi Reddy as those that were in the deceased's house. On 28-12-1922 an identification parade was held at Penukonda at the instance of then then Inspector of Goribidnur Kondappa Setty (P.W.5) in the presence of the Sub Magistrate (P.W.6). And in that parade Gangamma, Narasi, Narasakka and two other women (Narasamma and Syamma), who are also residents of Balareddypalli, identified them accused as the man that had gone to their village.

8. From the facts referred to above it would be seen that the evidence which the prosecution has adduced is meant to prove that the accused was at Balareddypalli on the 11th and 12th February 1919, that he went into and came out of the deceased's house some time before it was discovered that the deceased was murdered and that he was not to be subsequently seen in the village, that after he was arrested, some of the stolen articles were either found in his hut or were traced to him and that he had assumed false names after he committed the murder.

9. The

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leaves no room for doubt that he was in that village on those dates.

12. Yodagai Narasiga (P.W.21) has deposed that on the 11th the accused had a talk with him near the kakke tree, which he was felling and that the accused asked him if he would fell some trees for him. He pleaded inconvenience and the accused went away. The witness was then felling the tree for Abdulla Khan (P.W.22) who is a resident of Lepakshi and when the latter went to him a short while after the accused left the place, he informed Abdulla Khan of the request which had been made to him. Nanne Sab (P.W.23) was with Abdulla Khan then and both of them went in the direction in which the man referred to by the witness had gone and they found that it was the accused, who was known to them, that had the conversation with Narasima. And the accused told them that he was on his way to Nambhenahalli, where he had some relations.

13. Byamma (P.W.20), Narasakka (P.W.27) and Narasamma (P.W.28) who are residents of Balaroddypalli have deposed that they saw the accused in their village on the 11th and Narasakka has said that in the noon of that day he went to her house and asked her if she would give him food. Gamma (P.W.24) and Gangamma (P.W.26) who were living with the deceased have deposed that in the night of the 11th the accused took his food in their house and slept in the verandah. And Gangamma has added that in the noon of the following day (i.e., the 12th) she saw the accused lying down on a rock, which is at a short distance from her house.

14. Narasi (P.W.29) is another resident of Balaroddy
pally
and

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17. From the foregoing circumstances I do not think that it can be doubted that accused was in the deceased's village on the 11th and 12th of February 1919 and that he went into and came out of the deceased's house shortly before it was known that she was murdered.

18. The evidence of accused's concubine Lakshmi (P.W. 19) shows that the accused sent words to her to join him at a village known as Malagur and that after she joined him she took the name of Lakshmi and that they went to Sankapur and lived there for a few months and then began to live at Nallacheruvanapalli.

19. The real name of the accused is Vodasiliga and that of his concubine Hanumi. But at Sankapur they changed their names into Chowdiga and Siddamma and after they went to Nalla-Cheruvanapalli accused passed on as Kotha Venkatiga and his concubine as ~~Lakshmi~~ Nanji.

20. Lakshmi has said that she had 2 daughters by the accused after she joined him and that the senior daughter who was born at Sankapur is in her fourth year now. From these circumstances it may be inferred that she joined him a few months after the occurrence under trial took place. She has added that when she joined the accused at Malagur, articles 5 to 15 were among the articles, which were with him. Jewels of the description before the court are mentioned in Ex:P2 which is the list of missing articles given by Ganga to the Inspector on the next day after the occurrence and they have also been identified by him and by Gangamma and Papireddy as theirs. Accused is a cooly and is not likely to have come

by

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I.P.Code and direct that he be hanged by the neck till he is dead.

24. I have found that the accused is guilty of robbery also. If the sentence which I have awarded for the offence of murder be confirmed, there can be no occasion for the execution of a separate sentence for this offence. But as a sentence has to be passed for that offence also, I think that a sentence of 5 (five) years' rigorous imprisonment is an adequate punishment to be imposed on him. And I order accordingly.

25. The articles which are before the court belong to the deceased and the District Magistrate, Kolar will be requested to cause them to be delivered to Ganga (P.W.24).

Pronounced in open court.

Sd/ K. Ramaswamy Iyengar,

24th November 1923. Sessions Judge.

'COPY'

K. Ramaswamy,
SESSIONS JUDGE.

Copy applied on 30.11.1923
" ready on 1-12-1923
" delivered on thro: the Supdt, C. Jail, Bangalore } 3-12-1923

By order
[illegible]
Steno Typist

Cop

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THE COURT OF SESSION, BANGALORE DIVISION.

Kolar Sessions Case No. 4 of 1923-24.

Complainant. Accused.
Government. Vodasiliga.

Appendix to Judgment.

The following witnesses were examined for prosecution.

1. C.R.Subba Rao, 2. Mr. Hanumantha Rao, 3. Gopalakrishnama-Char, 4. Hanumantha Naidu, 5.Kondappa Setty, 6. Hamid Husein 7. Rajasekharayya, 8. Syed Mukdum, 9.Shama Rao, 10. Narasapp 11.Thimmappa, 12. Ramakrishniah, 13. Venkamma, 14. Halliah alias Dodda Halliah, 15. Subba Rao, 16. Venkatappa, 17. Papanna, 18. Papireddy, 19. Lakshmi, 20. Somiah, 21. Yadagai Narasiga, 22. Abdulla Khan, 23. Nanne Sab, 24. Ganga, 25. Mr. G.S.David, 26. Gangamma, 27. Narasakka, 28. Narasamma, 29. Narasi, 30. Byamma, and 31. Basappa.

The following exhibits were filed for prosecution.

P1. A sketch of the scene of occurrence,
P2. List of articles stolen,
P3. Copy of the Gazette containing the descriptive roll of the accused
P3a. List of property stolen
P4. Post mortem certificate,
P5. Chemical Examiner's certificate,
P6. Counterfoil of the patel's report, dated 12-2-1919.
P7. Statement of the accused before the lower court.

The following articles were produced in the case.

1. A chopper,
2. A lock,
3. A panchey,
4. A white bodice,
5. A necklet,
6. A gold kuppe with chowri,
7. A gold kuppe without chowri,
8. A pair of muras,
9. A pair of bugadis,
10. Silver toe-rings (two)
11. One black sadi,
12. One bodice,
13. A gold addikey,
14. A gold wristlet,
15. A sadi.

No witness was examined but the following exhibit was filed for defence.

D1.. A portion in the deposition of Narasamma before the lower court.

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G. R S. VI—S-III/33]

DRAFT.

SUBJECT .....

.....

.....

Section. Jud
File No. 202-23
Serial No. 2

No. 6829 Jud

Diary No. of letter replied to.....

To

The Registrar of the Chief Court of Mysore.

GENERAL AND REVENUE SECRETARIAT,

( )

, the.....*191* .

Date of issue..... 12/6/24

Signed by..... W. C. H. G.

SIR,

I am directed to forward herewith for information of the Judges of the Chief Court and for communication to the prisoner..... Vadasalaya a condemned prisoner, undergoing sentence of..... death .....

in the..... B. C. ..... Jail, copy of order passed by H. H. the Maharaja of Mysore, on the prisoner's memorial ..... for release .....

2. The entire records received with your letter No..... 567/Cr ..... dated ..... 16.2.24 .....191 are herewith returned.

I have, etc.,

E/C

Secretary. G.S.R.

Jud

Cr 7-6 & 2 Accts.

7.6.24

WD 11/6

G. R. S. VII—S-III/34]

In the Matter of a Memorial
endorsed from Vadasaliya now
Bangalore Central Jail for release.

His Highness the Maharaja

has been pleased to
commute the sentence of death passed
on Vadasaliya to one of transportation
for life.

Dewan.

WD 02264—GPB—500—5-2-17